

U.S. Patent Application Serial No. 10/581,533

Supplemental Reply to Office Action of September 9, 2010 and Notice Requiring Excess claims fee

REMARKS

The instant amendment supplements the amendment filed on October 29, 2010 and responds to the November 10, 2010 Notice Requiring Excess Claims Fees, by amending withdrawn claim 28 and canceling withdrawn claim 29. The requisite fee for the addition of another dependent claim (one dependent claim) is submitted herewith.

With this instant response, claims 1-13, 15, 19-27, 29 and 30 are canceled, claims 14, 16-18 and withdrawn claim 29 amended and new claims 31-69 added. Applicant respectfully submits that the new claims are fully supported by the original application and drawings and that no new matter has been added. Claims 14, 16-18, 28 and 31-69 are pending in this application. Claim 28 stands withdrawn from consideration, but has been amended herein to make the claim dependent from independent claim 31. Accordingly, with the cancellation of claim 29, the only fee due in Applicants' view is for one dependent claim, thereby ameliorating and obviating the Notice. In view of the foregoing amendments (also as presented in the October 29, 2010 Response), prosecution thusfar, and the following remarks, Applicants respectfully request advancement of this application to allowance.

The instant response duplicates the amendments set forth in the prior response and sets forth the additional modification to withdrawn claim 28, now amended to be dependent from allowable claim 31. Applicants respectfully submit that claim 28, as presented herein, should be rejoined, and that the claim is both novel and nonobvious over the art cited in the earlier response, at least for the reasons set forth therein.

As noted in the October 29, 2010 response, Applicants note that some of the claims have been rewritten for clarity. In the recent Restriction, several claims were indicated as of different groups and species, and Applicants elected Group 1 and species claims. Applicants respectfully submit that many of the pending claims are subject to rejoinder, such as claim 28.

Also submitted herewith is an Information Disclosure Statement, dated September 24, 2010, in connection with the European corresponding application, citing a variety of familiar references in a Communication against claims similar to the original claims in the instant application. In particular, the European Examiner cited U.S. Patent No. 2,247,066 to Popp,

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already cited and distinguished over, U.S. Patent No. 5,177,896 to Miyasaki, already cited, Japanese Pat. No. 2001-333683 to Moribe, already cited, and Japanese Pat. No. 2003-070408 to Murakami, already cited. Although Applicants believe that the Examiner is well aware of this Communication, Applicant is submitting the Communication alone in the IDS since the references are already of record. Applicant wishes to thank the Examiner for his comprehensive list of references submitted with his September 7, 2010 Action.


CONCLUSION

In view of the foregoing, Applicants respectfully request a Notice of Allowance. There may be additional reasons that the pending subject matter is patentably distinct from the cited references in addition to those discussed herein. Applicants reserve the right to raise any such arguments in the future. If the Examiner believes that a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

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Dated: November 11, 2010

By: 
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